

(2004) 02 J&K CK 0002
In the Jammu And Kashmir High Court
Case No : CWP No. 155 of 2003

Kuldip Singh and Others

APPELLANT

Vs

State of Jammu & Kashmir and Others

RESPONDENT

Date of Decision : 11-02-2004

Acts Referred:

Citation : (2010) 3 JKJ 351

Hon'ble Judges : Yash Paul Nargotra, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Y.P. Nargotra, J.—The dispute raised in this petition pertains to the construction of a Panchayat Ghar. The Panchayat Sarwal comprises of

eight wards and eight members were elected to the said Panchayat including petitioner No. 1. The Government has sanctioned some funds for the

Construction of the Panchayat Ghar. The Panchayat Ghar is being constructed at Village Phagwari. The petitioner through this petition have

questioned the construction of said Panchayat Ghar at that place on the ground that the place has been selected under the influence of local MLA,

which is not a central place and instead of Phagwari, the Panchayat Ghar ought to have been constructed at Sarwal itself.

2. The Official respondents, in their objections, have taken the stand that eight Panches including the Sarpanch out of nine members of Panchayat

Halqa. Sarwal through Resolution dated 6th February 2003 have decided to construct the Panchayat Ghar at village Phagwari for better utility of

Public at large, as the same place is centrally located. It has also been submitted in the objections that the land for the construction of Panchayat

Ghar has been made available by the Sarpanch of Panchayat Sarwal through gift deed and Construction of the Panchayat Ghar has been started as

per the resolution of the majority of the members of the Panchayat and not under any political influence.

3. A Panchayat Ghar is the place where members of the Panchayat are required to transact business under the provisions of Panchayati Raj Act.

Where such Panchayat ghar should be located is the question which has to be decided by the members of the Panchayat itself and in my view,

must be left to their Judgment. In the present case, as per the stand taken by the respondents the Panchayat Ghar is being constructed at a place

selected pursuant to the majority decision of the Panchayat. The Site is centrally located and, therefore, no interference is called for. There is no

merit in the writ petition and the same is, as such, dismissed.